

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

SHANE JOSIAH KIRK,)
)
Plaintiff,)
)
v.) Case No. CIV-20-1242-SLP
)
)
MITCHELL SOLOMON, et al.,)
)
)
Defendants.)

O R D E R

Before the Court is the Report and Recommendation [Doc. No. 5] (R&R) of United States Magistrate Judge Amanda Maxfield Green. The R&R recommends that Plaintiff's Application to Proceed In Forma Pauperis [Doc. No. 2] be denied because Plaintiff has sufficient funds to prepay the filing fee of \$402.00. In addition, the R&R recommends that this action be dismissed without prejudice unless Plaintiff pays the full filing fee to the Clerk of the Court within 21 days of any order adopting the R&R.

Plaintiff has filed a Motion [Doc. No. 7] in response. Plaintiff does not object to the findings set forth in the R&R, but requests the Court to direct the facility where he is confined to "execute a withdrawal from [his] institutional books in the amount of \$402.00" and to send a check in that amount to the Clerk of Court for payment of his filing fee. *See id.*

Upon review, the Court ADOPTS the R&R and finds Plaintiff has sufficient funds to pay the filing fee of \$402.00.

The Court further GRANTS Plaintiff an extension of time to pay the filing fee until January 28, 2021. Plaintiff is advised that if he fails to timely pay the filing fee, this action shall be dismissed without prejudice.

The Court DIRECTS the Clerk of Court to provide Plaintiff with three copies of this Order and three copies of the R&R [Doc. No. 5]. Plaintiff may distribute these documents to the custodian of his institutional account(s). **Upon receipt of these documents, the Court is confident that the custodian or other authorities in charge of Plaintiff's institutional account(s) will promptly send the \$402.00 filing fee to the Clerk of Court.**

IT IS SO ORDERED this 30th day of December, 2020.



SCOTT L. PALK
UNITED STATES DISTRICT JUDGE